

1897-030
Lee Co.

Chancery Causes: Emily J. Harber vs. Adm. of Joel Turner &c

Flanary, Daniels, Scott

CA-Debt
T-Property

To the Honorable W. T. Miller Judge of the
Circuit Court of Lee County.

Humbly complaining, shew unto your honor
your oratrix Emily J. Warner on behalf of
herself and all other creditors of Joel Turner
deceased. who shall come in and contribute to
the expense of this suit; that the said Joel Turner
departed this on or about the day of 18
and was in his lifetime, and at the time of
his death, justly and truly indebted unto your
oratrix in the principal of \$100. with an amount
of interest thereon upon and by virtue of his
the said Joel Turner bond sealed with his
seal, in writing bearing date the 27th day of Feb
1876 and executed to Robert Shelton, and by an
endorsement thereon by Andrew Johnson administrator
of Robert Shelton deceased sold and assigned on
the day of 1884 for a valuable consideration to
your oratrix, said bond bears interest on day
after, ^{the} date thereof, and said bond has been lost
by or misplaced by your oratrix, but she here
files a copy of the said bond, as near as she can
with an affidavit of its loss, Your oratrix
alleges that the said Joel Turner was in his
lifetime, and at the time of his death, possessed
of considerable personal estate, more than
sufficient to have satisfied and paid at his
his funeral expenses etc, and also, was

entitled and seized of 63 acres of real estate
situated in the county of Lee, That the said Joel
Turner being so seized and possessed departed
this life at or about the day of 188
intestate, leaving a widow, Jane Aratrie, who
has since married J. L. Hoxby, and he also left
six children to wit S. E. Turner, R. W. Turner
W. E. Turner, Eliza Turner, Jennie Turner
and Frank Turner the last named three are
infants under the age of 21 yrs, who are entitled
to such of his estate as may remain after the
payment of all debts, expenses of administration
&c. That due administration of the estate of the
said Joel Turner was duly granted by the
County Court of Lee County to S. H. Easing Sheriff
of Lee County, who afterwards on the day of
188 died, and said estate was then committed
to R. D. Flanary Sheriff administrator de bonis non
That under and by virtue of said administration
the said R. D. Flanary hath become possessed
of the whole or the greater part of the said intestate's
personal estate and effects, and that his real
estate has ever since been in the possession
of Jane Aratrie and said intestate's children
that nothing has ever been paid unto Jane Aratrie
on her said debt, but the whole of said debt
together with the arrears of interest, is yet justly
due and owing unto her.

To the end therefore that Justice may be done
in the premises, Jam vrotin prays that the said
R. D. Flanary late Sheriff Administrator de bonis non
of Joel Turner deceased, J. E. Turner, R. W. Turner
W. E. Turner, Eliza Turner, Jennine Turner
and Frank Turner, be made parties defendant
to this bill and answer the same but not an
oath that being waived, that a guardian ad.
litem be appointed to defend for, Eliza Turner, Jennine
Turner and Frank Turner infants, that an account
may be taken by and under the decree of this
honorable Court, of the said debts so due to Jam
Turner as of a certain ^{all other debts with}
the time of ^{the time of}
he owing by the said ^{at his death, and}
which still remain unpaid, And that an account
may also be taken of the said testator's personal estate
and effects, and that the personal estate and effects
may be applied in payment of his said debts, in a due
course of administration and in case said debts are then
not paid, that the said real estate may be sold for
that purpose, and that the money to arise from said
sale may be paid to Jam vrotin, and the said
other creditors accordingly, And that Jam honor
will grant such other further and general
relief as the case may require, and Jam
vrotin will ever pray etc.

M. G. Edg. p. g.

10
Emily J. Walker Plff

vs Billie bly

R. D. Flannery et als.

1895 1st Sept rules bill
filed Spa 24d & D M

" 2nd Sept D M Couf'd
& cause set for hear

Nov 9 1895 Decree Cont'd

March 11 1896 Decree Cont'd

June " Cont'd

Nov " Cont'd

March 1897 Cont'd

June " Cont'd

Nov " Decree final

See order Book

No 6 Page 45

Plffs Costs

Clerk 12.28

Lax 1.50

Shoff 9.00

Atty 15.00

G. A. L. 5.00

Cour. 20.00 Hyatt

Commons 9.00 Parlihan

Const 20

Wits 1.00

Co. clk 2.75

\$75.70

To the Honorable W. T. Miller Judge of the Circuit
Court of Lee County,

Humbly complaining your oratrix Emily J.
Hacker would respectfully represent and shew
unto your honor that twelfore on the day
of 1895 your oratrix filed her bill in this
Honorable Court vs. R. D. Filanary admorsors
to settle up and partition the personal estate of
Joel Turner dec., which has been done, now
oratrix desires to file this her amended or supplemental
bill in addition to her former bill, Your
oratrix here alleges that her said husband died
on the 6 day of 1887, ^{died} seized and possessed
of a tract of land lying in Lee County Va. containing
about 52 acres, bounded by the lands of John Gunn
and others, that her said husband departed this life
leaving your oratrix, J. E. Turner, R. W. Turner,
W. E. Turner, Eliza Turner, ^{David} ~~Jemima~~ ^{and}
Frank Turner his heirs at law, that this said.
Eliza Turner, Jemima David, Frank Turner
are infants under the age of 21 yrs - your oratrix
alleges that her said husband purchased the said
tract of land for the sum of \$400. of which sum
your oratrix paid the sum of \$100. of her own money
or proceeds arising from her own separate estate,
and she alleges that $\frac{1}{4}$ of said tract of land should
should be sold off and assigned to her, ^{in her simple} and her
dower in the residue assigned to her.

and your oratrix further states, that said real estate is as she believes, susceptible of partition amongst the parties entitled thereto, but if not, then your oratrix desires the same sold, and the proceeds distributed amongst the parties in proportion to their respective interests therein. In tender consideration whereof, and for as much as your oratrix is remediless in the premises, save by the aid of a court of equity, your oratrix prays that the said J.E. Turner, R.W. Turner, W.E. Turner, Eliza Turner, Emma Daniel, and Frank Turner, be made parties defendant to this bill and answer the same but they need not answer on oath that being waived, that a proper quodammodo Litem be assigned the infant defendants, to defend their interests in this suit; that the said real estate be divided between the parties aforementioned entitled thereto, and your oratrix partition and dower thereof allowed to her, and ⁱⁿ ^{case} said real estate be indivisible, that the same be exposed to sale, and the proceeds thereof be distributed amongst the parties entitled thereto, that proper process may issue, and that such other and further and general relief may be afforded, your oratrix as the nature of his case may require and your oratrix wishes to pray etc.

M. Y. Ely p.g.

Emily J. Barker Off

Accused
vs. Bill -

S. E. Immertals -

1897 2nd May rules Spa
Et Dr Dr

" 1st June rules taken
The last Monday in
May Dr Confdo Cause
set for hearing

Virginia: In the circuit Court of Lee County,

Emily J. Harlow

vs

} In Chancery

S. E. Turner et al

To the Hon. W. L. Miller, Judge of
said Court: The Separate Causes of
Eliza Turner, Jemimah Daniel and
Turner and Frank Turner by Wm. A.
Orr, Esq. their guardian ad litem to an
amended bill in Chancery filed in this
Court against the wards et al by Emily
J. Harlow.

Assuming your Respondents
say that they know of no defense that
they ought to make, but Courts of Chan-
cery being the peculiar guardians of the
rights and interests of Infants they
ask to place their interests in this cause
in the hands of your Honor. Having
assumed they pray to be hence dismissed
with their costs.

Eliza Turner,

Jemimah Daniel.

Frank Turner.

By

Wm. A. Orr, Esq. Guardian ad litem.

Sworn to before me, this June 8th 1897.

M. G. Ely n. o.

Emily J. Harbor

v3 } Ans. of G. Q. L

S. C. Turner et al

Filed June the 8th 1897
A. B. Munsey Clerk

~~50~~

To the Hon. W. J. Miller Judge of the Circuit Court
of Lee County,

The answer of W. E. Turner, Eliza Turner
Jemima Turner and Frank Turner by James
W. Orr their Guardian ad Litem to a bill
filed in this honorable court by Emily J.
Harber vs R. D. Flanary Adam et al. These
respondents say that they are of tender years
and are deprived of no defense that they should
make against the object of plaintiffs bill
but they being advised that Courts of equity are
the peculiar guardians of infants, they beg to place
their interests in your honorable hands, and now
having answered they pray to be hence dismissed
with their reasonable costs etc

W. E. Turner,

Eliza Turner,

Jemima Turner,

Frank Turner,

By James W. Orr

Guardian ad litem

Emily J. Barber
Examiner of
No. 11 Guardian ad Litem

Rev. D. Flanagan attn. S. B.
Filed 1st Sept 1885
ATB Murray Clerk

Emily J. Harber Plff.
against. ~~EE~~ In Chancery —
P.D. Adams, admr. et als. Defs

This cause came on this day to be heard upon
the papers formerly read in the cause, and the
report of partition of Commissioners C. C. Eliot,
P.D. Hinson and C.D. Smith, and was argued
by counsel.

On consideration of which the court doth approve
and confirm said report, and it is further
ordered, and decreed that the plaintiff and defendants
who are the heirs at law of Joel Turnure, do pay
the costs of this suit in proportion to their interest
in said land, to be taxed by the clerk, and for which
execution may issue in favor of the officers of the
court, and the parties in interest may withdraw
said report of partition from said cause to be recorded
in the County Court clerk's office, the cost of recording
the same to be taxed with the costs of this suit, and
nothing further remaining to be done the cause
is stricken from the docket.

Emily J. Harber Plff

vs E. Deane Finaal.

R. P. Flanagan et als —

Env. C. O. B. No. 6. p. 45.

(5)

Enter this

W. F. M.

Nov. 8th, 1897

Emly J. Harber. Plff.

Vs. In Chancery.

S.E. Turner. Et als. Defts

This cause came on this day to be heard upon the papers formerly read in the cause, the amended bill of the plaintiff, process duly executed on the adult defendants the answer of the infant defendants by their Guardian ad Litem Wm. A. Orr Sr. general replication thereto and was argued by counsel .

On consideration of which, the amended bill is taken for confessed as to the adult defendants, they ~~being~~ failing to appear, plead, answer and demur, the court

doth adjudge order and decree, that C. C. Elliott, C. D. Smith, and P. D. Kinser be appointed commissioners, who being first duly sworn, shall well and truly allot

and assign to the plaintiff Emly J. Harber one-fourth of the tract of land in the bill described to be

held by her in feesimple, they will also lay off and assign to Emly J. Harber, widow of Joel Turner dec'd by metes and bounds, one full and equal third part,

~~in her dower, her natural life, and for her dower, her natural life~~
in her dower
in quality and quantity of the residue of said tract

whereof the said Joel Turner died seized and possessed

~~seized~~ to hold, as and for her dower, her natural life And that the same commissioners, do make equal and fair partition in severalty of the residue of the

said tract of land, that is the three-fourths of said tract after the first one fourth is laid off

to Emly J. Harber, between the defendants S. E. Turner

R. W. Turner W. E. Turner Eliza Turner, Jemima Daniel an

Frank Turner, who are children and heirs of the said

Joel Turner dec'd. And the commissioners are directed -

Emily J. Harker
no. 26 Deere -
S. E. Turner et al -

C. O. B. No 6 p. 16 + 17

(4)

Enter this

W. M.

June 15th / 89

To report this proceedings in pursuance
of this decree to the court, in and for a final
decree. And the cause is continued,

Emily J. Barker Plff.
vs. E. J. Cheney —
R. D. Flinnay & Co. et al. Deft

This cause came on this day to be heard
upon the papers formerly read in the cause,
the report of Commissioner J. A. G. Hyatt and
motion of Plaintiff to file an amended bill
and was argued by counsel,
On consideration of which the court doth
approve, and confirm said report, and
leave is granted the Plaintiff to file his amended
bill and the same is remanded to rules, then
to motion and the cause is continued

Emily J. Hobbs *plth*

W. E. L. L. L.

R. D. Flanagan cholo

Em. C. O. B. p. 563.

(3)

Enter This

W. L. M.

March 9th 1897

Emily J. Horner Deft -
vs
R. D. Flanagan adm et al Deft

This cause came on this day to be heard
upon the papers formerly read in the cause and
the report of special commissioner J. A. Hyatt
and exceptions thereto and was argued by counsel,
On consideration of which the court doth
overrule said exception, And doth approve and
confirm said report, ^{and doth allow said claim said claim but for reasons appearing} it is therefore ordered
and decreed that ~~Emily J. Horner, S. E. Turner,
A. H. Turner, W. E. Turner, & W. A. Turner, Jr.~~
~~Turner and Frank Turner, executors of the R. D. Flanagan~~
~~administrate to the commission of the estate of John~~
~~Turner the sum of \$1180 with~~
~~interest thereon from the 8th day of May 1888~~
~~to be paid out of the plaintiff's estate in said~~
~~and the cause is stricken from the~~
~~docket,~~ J. A. Hyatt commissioner
make a further report, in which he will report
to whom the fund \$1180 in his former report, is
due, and in what proportion, he will ~~will~~ give
all parties in interest notice and report to next
term of the court and the cause is continued.

ordered to be docketed

Emily J. Barker Off
Wife of deceased
Mr. D. F. Barker

O. B. P. 387

(2)

Enter this

M. J. M.

March 9th 1896

Emily J. Warner Deft

vs

Decree No. 1

R. D. Fleury adm et al Defts

This cause came on this day to be heard to be heard upon the Bill of complaint, the answer of W. E. Turner, Elvira Turner, Jennie Turner Ed Frank Turner, infants by James W. Orr, their Guardian ad litem and general replication thereto and was argued by counsel, On consideration of which, and it appearing that process had been duly executed on the adult defendants, and they failing to appear plead, answer or demur, the bill is taken as to them for confessed, it is therefore adjudged, ordered and decreed that ^{J. W. Hyatt} ~~H. C. Johnson~~ who is hereby appointed a special Commissioner for the purpose, do ascertain and report the debts due and owing by the said Joel Turner at his death and unpaid ^{ascertain} the amounts, to whom due, and their priorities, he will also take and settle the administrators account of the personal estate of said deceased Joel Turner, and ^{ascertain} whether or not said personal estate is sufficient to pay the ^{unpaid} indebtedness of said estate, and if not what lands the said Joel Turner owned at his death, ^{and its rental value,} but before taking said account he will give all the parties in interest or their counsel due notice for at least 10 days of the time and place of his settling, he will report his action to the next term of this Court and the Cause is continued,

Emily J. Harbor
No. 1 Dec. No. 1
R. D. Flanagan adm. et al

O.B. Page. 265,

Enter this
NLM

Nov. 12. th 1895

Virginia

at a circuit Court continued and
held for Lee County at the Court-house
thereof on Tuesday Nov 12th 1895-

Emily J. Harber

- Plff

VS

R. D. Flannery admr. et al Deft

} in Chancery

This Cause came on this day to be heard
upon the bill of the Complainant the answer
W. B. Turner. Elvira Turner. femina Turner
and Frank Turner infants by James W. Orr
Their Guardian Ad Litem and general
replication thereto. and was argued by
counsel, On consideration of which, and
it appearing that process had been duly
executed on the adult defendants, and
the failing to appear plead answer or de-
mur the bill is taken as to them for
confessed it is therefore adjudged ordered
and decreed that J. A. G. Hyatt who is
hereby appointed a Special Commissioner
for the purpose do ascertain and report
the debts due and owing by the said Joel
Turner at his death unpaid the amounts
to whom due, and their priorities, he will
also take and settle the administration
account of the personal estate of said
decedent Joel Turner and ascertain

whether or not said personal estate
is sufficient to pay the unpaid in-
debtedness of said estate, and if not
what lands the said Joel Turner owned
at his death, and its rental value.
But before taking said account he
will give all the parties in interest
or their Counsel due notice for at
least ten days of the time and place
of his sitting he will report his action
to the next term of this court. And
The Cause is Continued.

A Copy Teste A B Munsy Clerk

Emily J. Harber

Copy of Decree

A. D. Flannery Administrator

Executed Dec 12/24

By Delivering an
Office Copy of

The within Decree

to J. G. Hyatt

Wm. P. Weston

S. J. B.

Copy for J. G. Hyatt

75

Virginia

At a circuit Court Continued and
held for Lee County at the Court-house
thereof on Friday March 10th 189th

Emily J. Harber

Plaintiff

vs

R. D. Flanary Admr et al Defs

In Chy

This Cause came on this day
to be heard, upon the papers formerly
read in the Cause, and the report of spe-
cial Commissioner J. A. G. Hyatt and
exceptions thereto, and was argued by
Counsel. On consideration of which
the Court doth overrule said exception
and doth approve and confirm said
report, and disallows said Claim sued
on but for reasons appearing to the
Court it is ordered and decreed that
J. A. G. Hyatt Comr make a further re-
port, in which he will report to
whom the fund \$11.80 in his former
report is due, and in what propor-
tion, he will give all parties in
interest notice, and to next term of
the Court. And the Cause is Continued

A Copy

Lester A. B. Mursey Clerk

Emily J. Barber
vs. Copy of Decree
R. D. Flanagan admr. et al.

February 8th 1897
Take this account

Copy for
J. A. G. Hyatt

Virginia

At a Circuit Court Continued and
held for Lee County at the Court-house
thereof on Tuesday the 15th day of June 1897

Emily J. Harber

Plff

vs

S. E. Turner et al

Defl

In Chancery

This Cause came on this day to be
heard upon the ~~papers~~ formerly read
in the Cause, the amended bill of the
plaintiff, process duly executed on the
adult ~~defendants~~ and the answer of
of the infants by their Guardian ad litem
Wm A Orr Sr. general replication thereto
and was argued by Counsel. On Con-
sideration of which the amended bill
is taken for Confessed as to the adult
defendants, they failing to appear, plead,
answer and demur. The Court doth
adjudge, order, and decree that C. C.
Elliott, C. D. Smith and P. D. Kinser
be appointed Commissioners who
being first duly sworn, shall well
and truly allot and assign to the
plaintiff, Emily J. Harber one fourth
of the tract of land in the bill de-
scribed to be held by her in fee

Simple, they ^{will} also lay off and assigned to Emily J. Harber widow of Joel Turner decd by metes and bounds. One full and equal third part in rental Value in quality and quantity of the residue of said tract whereof the said Joel Turner died seized and possessed, to hold as for her dower for her natural life. And that the same Commissioners, do make equal and fair partition in severally of the residue of the said tract of land, that is, the three fourths of said tract the one fourth is laid off to Emily J. Harber, between the defendants B. E. Turner, R. W. Turner, W. E. Turner, Eliza Turner, Jemima Daniel, and Frank Turner who are Children and heirs of the said Joel Turner deceased. And the Commissioners are directed to report their proceedings in pursuance of this decree to the Court, in order for a final decree. And the Cause is continued.

A Copy

Lester A. B. Munsey Clerk

Commissioners Office
Jonesville Va Feb 14/89

Emily J. Harber
vs

R. D. Flannery Administrator

vs
In Chancery

Pursuant to the notice herein filed - The Plaintiff appeared by her attorney W. S. Ely and left S. E. Turner and his attorney E. W. R. Ewing appeared for Defendants. & J. M. Orr Guardian ad litem.

The Plaintiff, offers as evidence of the debt herein sought to be collected, the Bill and proceedings in this cause and especially the affidavit of last note herein filed marked "A".

These are objectionable as evidence, because the bill surely cannot seriously be inserted on as evidence, and the affidavit herein filed is especially objectionable because it is no evidence of debt, but only a basis for proceeding and is a part of the bill, and has only the

some effect, for example, that
an affidavit for an attachment
would have. Then for the de-
fendants we dare to raise the
question of statute of limitations,
and earnestly insist that the
note on which this bill is at-
tempted to be based is barred, and
the affidavit is too indefinite, the
plaintiff must prove that his
note is within the statute
of limitations. Also the defend-
ants insist that ~~on~~ full pay-
ment of all debts claimed to be
due from the said estate has been

E. W. R. Ewing for
Defts -

Andry Scott a witness of lawful age being
introduced by Plaintiff, duly sworn, deposes
and saith;

ques. Please state your age, residence, occupation and
relation to Emily J. Barber;

ans. I am 61 years old, reside near
Beech Spring Lee Co. Va. and in
the neighborhood of the Plaintiff
in this cause - She is my sister in
law, (I married her sister) I am

a farmer by occupation.

ques. Are you acquainted with the lands of which Joel Turner died seized and possessed, if so how many acres does it contain?

Ans. I am acquainted with said lands, I think there was originally 60 acres in the tract Joel Turner purchased, he sold off twelve acres which would leave him owning about 48 acres at the time of his death.

ques. What would be a fair cash rental value of that land per year subject to the widow's dower?

Ans. I think 1 dollar or $1\frac{1}{2}$ dollars per acre would be a reasonably fair annual rental value.

ques. Were you acquainted with Robert Shelton in his life time and when did he die?

Ans. I was well acquainted with Robert Shelton, he died in the year 1879.

ques. Do you know anything of a note held by Robert Shelton, at the time of his death against Joel Turner, and if so, please state the amount of it, and what was done with it?

Objectionable for reasons to be assigned.

Ans I know that Robert Shelton held
a note first against Abe. Shelton
his son for \$100.00, after Abe
sold his land to Joel Turner, said
Joel Turner was to settle this
note for him. (Abe. Shelton.)
with Robert Shelton.

When the heirs of Robert Shelton
met to adjust their Estate matters
and divide their lands, my wife
and Emily J. Harber the Plff in
this cause being two of said heirs
Emily J. Harber then Emily J.
Turner wife of Joel Turner
agreed to relinquish to the
other seven heirs her interest
in the personal and real
Estate of said Robert Shelton
died, for this 100 dollar note
against her husband, which
I was informed at that time
amounted to \$130.00, this divide
was made in the year 1879.

So much of the above ans.
as speaks of evidence from hearsay
is objectionable.

Art & Co. for
Defts.

ques. At the time Emily J. ~~Harber~~ ^{or Joel Turner} Turner now Emily J. Harber, took the said \$100. note as her interest in the Shelton estate, was she a married woman or single?

Ans. She was a married woman.

ques. How long did she remain married with her husband died?

Ans. Until about the year 1865.

ques. Did Joel Turner ever pay the said note to Emily J. Turner, to your knowledge?

Ans. If he did I don't know it.

ques. Have you had any conversation with S. E. Turner about this note, and if so, did he or not admit that the same was due Emily J. Harber?

Ans. I have had a conversation with said S. E. Turner about this note - during that conversation he did not deny his father owing the note, but inquired if it had not run out of date.

This is objectionable because no statement made by said Turner can effect the debtor. O. & E.

ques. Please state, if you know, whether or not this claim of Emily J. Harber against Joel Turner is a just claim?

Ans. It was a just claim, and so considered

among us all at the time of our divide, and Joel Turner admitted it to be just and was well pleased that it was settled in the way that it was and boasted that he had done well in getting it settled in the way it was, stating they had got a good share.

+ Examined.

Ques. 1. Did you ever see this note here in question?

Ans. I never did.

Ques. 2. When was the last time you heard Mr. ~~Shetton~~^{Turner} admit that this was a just debt?

Ans. Just after Robert Shetton died Mr. Joel Turner seemed to be in trouble about the note, and about the time of our divide in 1879, is the last time that I ^{ma}remember hearing him speak of its being a just debt.

Ques. 3. You say you had a conversation with Mr. S. E. Turner, with reference to some note, did he not say something about some payment being made?

Ans-
witness
claim 50^c


He did not.

And further this witness saith not
of Scott

Virginia Lee Co. to wit

The foregoing statements
and deposition were duly taken
before me subscribed & sworn
to by the witness before me on
the 14th Feby 1896.

J. A. Hyatt
Comr

Emily J. Barker
vs  Depo-

R. D. Harrington *Attorney*

X

With claim 50¢

Virginia Lee County to wit: -

I C. D. Smith a Justice of the Peace for
The County and State aforesaid do certify that
Emily J. Harker personally appeared before me
and made oath that the note or bond
sued on by her in the Circuit Court of Lee County
in the Chancery Cause of Emily J. Harker vs,
R. D. Flanary Adm'r. et al., has been ~~lost~~ or
misplaced and can not be found, that said note
bore date ~~of~~ the year 1876 ~~and~~ was an instrument
under seal executed by Joel Turner to Robert Shelton
and due one day after date, that she paid ~~and~~
to the Administrator of Robert Shelton Dec- a
valuable consideration, out of her own separate
estate, for said note or bond about the year
1884, and that the same is just, due her and
unpaid, Given under my hand this the
8th day of Oct. 1895.

C. D. Smith, J. P.

"A"

Emily J. Warner,

vs { Affidavit of lost notes

R. D. Flanary admstrs

Virginia,

Lee County to wit:

This day B. E. Turner, personally appeared before me, E. W. R. Ewing, a Notary Public in and for the county aforesaid and made oath that he has examined the papers in the case of ~~Emmely~~ J. Horber vs. R. D. Flourey, et al., and further made oath that the note attempted to be described in the affidavit of Emmely J. Horber before C. D. Smith, J. P. ^{or most of it} was duly paid, by his father in his life time, and he further made oath ^{that} the date as given by her is ~~incorrect~~, that the date is so far back that were it correctly given, the note properly set up and ^{even} found to be a bond, that it would be barred by statute of limitations; and he desires to file this before Cour. Hyatt for all purposes.

Given under my hand this Feb. 14, 1876.

E. W. R. Ewing, N.P.

J. E. Turner
vs 3 Affidavit

Emily J. Harber
Filed before me as
Comm. Feby; 14th 1896
J. A. Syatt
Comm

The filing of this affidavit is
objected to because, illegal, impertinent
and because it comes too late, there
being no appearance ever entered
by deft. J. E. Turner, and the bill
having been taken for confessed
as to him, and any plea of
statute of limitation and
payment can not be plead
before the commissioners -
for the first time.
W. G. Elgatty
for aff.

Commissioners Office
Jonesville Va. Feby 19th 1896

Emily J. Hardee
vs

Plff.

In Chancery

R. D. Flannery Admors et al Defts

To the Hon. Wm. S. Miller Judge
of Lee County Circuit Court.

In obedience ^{to} the requirements
of a decree entered in the above styled
Cause Nov. 12th 1895, I posted a notice
on the front ^{of the Court House} door of Lee County, on
the 20th January 1896, showing that I
would on the 14th Feby 1896 at the
law office of Duncan & Hyatt in the
town of Jonesville Va proceed to
ascertain any and all debts justly
owing by Joel Turner at his
death. and at the same time I
called the attention of M. G. Ely Atty
for Plff, and also notified the deft
J. E. Turner that I would proceed
on said day and place to perform
the duties assigned me in said
decree. On said day and place
as shown by deposition & herewith
filed, M. G. Ely Atty for Plff, Deft
J. E. Turner and his attorneys and
James M. Orr Guardian ad litem for
the infant defendants were present

No other persons or creditors appeared and from the best information Your Court could obtain, all the debts owing by the decedent Joel Turner at the time of his death had been settled by S. H. Ewing & Sheriff and as such Administrator of the Estate of said Joel Turner died, except the one in favor of the Plaintiff in this suit sought to be established. It will be observed that the Def., by her attorney, as shown by statements made in depositions taken at the time of taking an account in this cause See depo. "X." That he offers as evidence of the debt in this suit sought to be collected

The Bill & proceedings in this cause especially the affidavit of lost note herein filed marked "A."

It will also be noticed that this evidence to establish the said claim was objected to by Defs Attorney E. W. R. Ewing. And who filed an affidavit made by Deft S. E. Turner

The Plaintiff then introduced the witness Andy Scott who had been summoned for Defendants, and proves by said witness that Joel

owned at the time of his death about 48 acres of land, the annual rental value of which was from one to one and a half dollars per acre -

It is shown by the evidence of said witness, that the Plaintiff about the year 1879, who was then the wife of Joel Turner settled a note or claim outstanding against Joel Turner of \$100.00 principal and \$30.00 accumulated interest, his evidence also shows that one Robert Shelton had a note against his son Abe Shelton of \$100.00, that said Abe Shelton sold the lands above mentioned to said Joel Turner, who assumed to pay to Robert Shelton this note of \$100.00 now this is the note or claim if your Court is properly advised, which is herein sought to ^{be} enforced against the Estate of Joel Turner, although the affidavit of lost note herein filed claims the lost note to have existed against Joel Turner.

After carefully investigating the Bill & proceedings, the affidavit of lost note, affidavit of defendant S. E. Turner depositions, objections thereto and the very able brief of Septs Atty,
Your Commissioner concludes

that there is not sufficient evidence offered to establish this \$100.00 and its interest as a debt against the said Joel Sumner Est.

Should the position taken by the Plaintiffs attorney, that the affidavit of last note against said Joel Sumner herein filed and the Bill being taken as confessed by the adult debts, fully established, Plffs claim, be approved by the Court, she is entitled to recover accordingly.

Your Court further reports in this connection, that it is evident from the evidence that the Plaintiff exchanged her interest in her fathers personal and Real Est, for this claim against her husband Joel Sumner, and no doubt assisted her said husband to the extent of \$130.00 in paying for the land purchased by him from the Shelton, but whether or not the transaction protected her interest to this extent or not Your Court is not advised, ^{the decree which I act} ~~therefore~~ will not undertake to decide this question.

On the 16th day of February 1888
the papers of S. H. Ewing Admr
of the Estate of Joel Turner, were
given me as Comr of accounts
for settlement. I about that
time stated his account as
such Admr. which I herewith
file marked "S." as will be
seen by said Statement I charge
him with \$166.15 amount of his
Sale Bill and give him credit
for vouchers from 1 to 13 inclusive
resulting in showing the sum
of \$11.81 in his hands unaccounted
for as of Febry 5th 1887. At the
same time there was returned
to me two notes against Emily
Turner, the Plff in this Cause, then
the widow of Joel Turner, executed by her
to S. H. Ewing as such Admr. on the 8th day of
Febry 1886 one for \$11.10 the other
for \$2.25. I afterwards gave these
notes to E. S. Bishop successor as D. S.
of S. H. Ewing decd, for Collection, and
very recently said Bishop returned said
notes to me, and they are now in
my possession - when these notes
are collected and properly disbursed
the account of said Ewing will be

more than squared -

Should no outstanding debt be established against the Estate of Joel Lurner, the amount Mr. Ewing failed to account for \$11.81, as of Feb'y 8th 1887, will be properly distributable to the widow and heirs of said Joel Lurner deceased -

Respectfully Submitted.

J. A. Hyatt

Carr,

{ P.S. It is now 12 o'clock ^{at night}, and very cold & snowing - hence all errors will be excused. }

I retire Feby 20th 1896 -

- Hyatt

Emily J. Harber
By Court Report
Dyatt
J. D. Flanagan Auditor
Filed February 20th 1896
A. B. Munsey Clerk

Court fee \$15.00
Cost .50
\$15.50

This report is filed to receive the commission fee
to specifically allow the claim of \$15.00
W. B. Dyatt, atty for Harber

Samuel H. Ewing Sheriff and Admr.
of the Estate of Joel Turner decd
To the Creditors of said Estate On

1887

Febry 8	To this sum amt sale Bill. "A" due Febry 8 1887	\$166.15
	By 10% Commission on amt sale Bill	\$16.61
1	By this sum paid for coffin to Jas. McDaniel	15.00
2	" " " " A. C. Ely appraiser	1.00
3	" " " " J. D. Morgan "	1.00
4	" " " " H. C. Eddo "	1.00
5	" " " " B. M. Morgan Bal on note	39.87
6	" " " " D. R. Smith Note + acct	52.63
7	" " " " Jas. McDaniel acct	10.00
8	" " " " Same for Kuipers apt	1.00
9	" " " " Same " Morley "	2.50
10	" " " " S. E. Turner account	7.00
11	" " " " Taxes for year 1886	1.73
13	" " " " paid for J. L. Hyatt fees	2.50
13	" " " " J. R. Gibson "	2.50
	By this sum unaccounted for	11.81
		\$166.15

S. H. Ewing D Sheriff
& as such Administrator of
the Estate of Joel Turner
decd
Statement of his acct

"S"

Feb 16th / 1888

$$\begin{array}{r} 88 \\ 2 \\ \hline 1.96 \end{array}$$

$$\begin{array}{r} 58 \\ 88 \\ \hline 43 \end{array}$$

Jole Furner

1855 Dr to A. S. Schupe October the 11
to make two coffins \$15.00

This is to certify that A. S. Schupe has this day personally appeared before me E. M. Russell a justice of the peace and made oath that the above bet is justly due him and is unpaid
William Worley also Witnesses the same
E. M. Russell J. P.

19 Apr 1887

Recd of S H Ewing ^{ss &} Adm of
Gold Turner Est recd the within Amount
15th

James M. Daniel

James M. Daniel
for A. S. Shubert

Receipt

\$ 15.00

For Coffee

(1)

Receipt of S. H. Ewing Deputy Sheriff
and Administrator of Joel Turner Dees,
the amount of one dollar for serving
as one of the praisers of said estate-

April 19th 1887

Arthur C. Ely

A. L. Ely
Receipt
\$ 1.00

Apr 22

(2)

Recd of J H Quincy Esq & Adams of gold
miners Est all the sum of one dollar
for serving as one of the Asses of said Est
Apr. 19 1887 Jas D Morgan

J. D. Morgan

Recd

1.00

Apr.

(3)

Received of J H Ewing & Co Adams
of John Turners Estate the sum of one
dollar for acting as ^{one of the} Appraisers of the Estate
this the 19 day of Apr 1887

H. E. Cole

H. E. Eads

Right

\$1.00

Apr

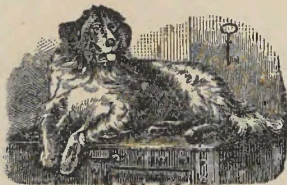
(4)

Bare run July 15th 86.
\$39.84

\$54.98

Jan 2nd, 1884.

One day after date I promise to pay to the order of B. M. Morgan
Fifty Four and $\frac{98}{100}$ Dollars, for value received, and I hereby



waive the benefit of my Homestead and personal property
exemptions as to this debt. Witness my hand and seal.

No 10

LEE SENTINEL PRINT.

Jacob Turner

(SEAL.)

J. Gail Turner (SEAL)

Sept 15 1884
Dr by H. Morgan
\$ 20.35

March 10 1886

Recd from Saml H.
adm'r of the Seaver Bldg.
owing thirty nine dollars
and eighty seven cts
the amt in full
of the within note

B. M. Morgan

(3)

Mr. 10. 1886

\$39.87

Recd

B. M. Morgan

Recd from Saml. H Ewing Admr. of
Joel Turner Deed. Fifty Two Dollars and Sixty three
cts. Forty nine Dollars and Six cts. of which is
placed as a cr. on his acct to close same and
The remainder (\$2.57) is placed as a cr. on a
note I hold against him. This 10th day of March
1886

David R. Smith
By B. M. Morgan

D. R. Smith
Recd

\$52.63

Mr. 10th 1886

(6)

Joll Turner

Joel Farmer

Or John B. Callahan

1883
November

20

To and for me on a

wagon after paying one Gray mare \$10.00

This is to certify that John B. Callahan
has this day personally appeared before me E. M.
Russell a Justice of the Peace and made oath
that the above is justly due him and is unpaid
Wm. Worley also witnesses the same

E. M. Russell J.P.

Geo. W. Evans
Decht
\$10.00
April 19th 1887

(7)

17 of Apr 1887

Rec of S H Quincy & Co Adm of Toll
Summer Est for the within amt \$10.00
James M. Linnell

Recd

Joll. Turner

1885

Dr To Samuel A. Kinsor
June there To labor one dollar

This is to certify that Samuel A Kinsor
on this day personally appeared before me
E. M. Russell a Justice of the peace and made
oath that the above Acct is Justly due
him and is unpaid

Wm. Worley also Witnesses the same
E. M. Russell J. P.

19 Apr 1887

Recd of J H Curry & Co Ham of Gold
Turner Co & Co The within \$100

James M. Daniel

Gas M. Daniel

For. Kinsden

\$100

Recd of

Apr. 19th 1887

8

J. Joel Turner

1855

To Wm. Worley

July the 1st Ten dollars and fifty cents
This is for borrowed Wheat

This is to certify that Wm. Worley has this day personally appeared before me E. M. Russell a Justice of the peace and made oath that the above Acct. is justly due him and is unpaid

Samuel A. Benson also witnesses the same
E. M. Russell, J. P.

19 Apr 1887

Rec of S H Curry Dd & Adm of Poll
Turner Estate see 2.56 on The Within Claim
James McDaniel

For McDaniel
for Mrs. H. H. H. H.

Recd

\$ 2.56

April 19, 1887

(9)

1885- The Estate of Joel Turner
 April 20 To S. E. Turner On
 To Cash loaned \$ 8.00
 By Cash 1.75
 Bal due Apr. 20 1885- \$ 6.25
 Interest to \$.75
 \$ 7.00

Sworn to before me to be just
 & unpaid by S. E. Turner
 April 18th 1887. J. A. Hyatt ©

Rec on the within claim of St Eungoo
 & Adms of Joel Turners Est see the within
 And seven dollars Apr 19 1887

S. E. Turner.

6.24
 .26
 5752
 7500

6.24
 .26
 5752
 7500

(10)

S. E. Turner
 To 3 Receipt
 \$ 7.00
 S. E. Turner

Receipts Joel Turners Est.

Mr.
1885.

Jac. Turner Estate

District No. *2*

To M. B. WYGAL, Treasurer of Lee County,

Dr.

State Tax, 30 cts. on the \$100.	County Levy, 25 cts. on the \$100.	State School Tax, 10 cts. on the \$100.	County School Tax, 10 cts. on the \$100.	Dis't. School Tax, 10 cts. on the \$100.	Total Amt. of Taxes.
--	--	---	--	--	-------------------------

..... <i>1</i> TRACTS.							
To <i>52</i> - acres land value	<i>156</i>	<i>47</i>	<i>78</i>	<i>16</i>	<i>16</i>	<i>8</i>	<i>165</i>
Property, income, etc.							
Capitation Tax,							
State School Tax,							
County School Tax,							
District School Tax,							<i>165</i>
Total,							<i>165</i>

RECEIVED PAYMENT.

M. B. Wygal COUNTY TREASURER

Received the amount
of the within Do + of
L. H. Ewing administrator
of Joel Gurner Decedent
This Sept 3 1887
M. B. Mygal Treasurer
Recd of Lee County
\$1.73

• Tax 1886

Sept 3 7 889

(11)

Retained out of 5⁰⁰ left with me by
the Widow of S. H. Curing \$2.50 for
making this settlement and paid
\$2.50 bal thereof to J. R. Gibson Sec
voucher (13). Febry 16th 1888

J. A. Syatt
asst, Comr

(12)

$$\begin{array}{r} 129 \\ 50 \\ \hline 179 \end{array}$$

Reads, of J. A. G. Hyatt two dollars and
fifty cents for Recording Settlement & apprais-
al bill of S. H. Ewing Shff. Admr of the estate
of Joel Turner, dec'd, which amount was
left in the hands of Said Hyatt by the
Widow of S. H. Ewing. Feb. 15th 1888,

J. R. Gibson Clerk
Lee County Court,

L. H. Ewing
Staff. Admin.
\$2.50

(13)

We the undersigned appraisers of the Estate of
 Joel Turner, deceased, after being duly sworn,
 proceeded to appraise the same as follows, to wit;—

✓ One horse	\$ 70.00
✓ One wagon	55.00
✓ One cow	15.00
✓ One calf	6.00
✓ Three sheep	4.00
✓ Three sheep	4.50
✓ One pair of gears75
✓ One pair of stretchers25
✓ Two plows25
✓ One wagon	12.50
amount	\$ 168.25

Given under our hands,
 this the 8th day of February, 1886.

Arthur C. Ely.	} appraisers.
H. C. Edds	
Gas. D. Morgan	

Virginia Lee County Court Clerk's office the 16th day of Feb 1886.
After foregoing sale bill of the personal property of Joel Turner
decd. was this day filed in this office and admitted to
record.

John R. Gibson Clerk,

Joel Turner Decd
Affairs Bill

Recorded in Will
Book No 3 P. 636
J. R. Gibson cl.
(AO)

Filed Feb 16th 1886.

Joel Turner?

150
180
330
50
280

180
70
250

Sold Turner Sale

James M. Daniel one
Wagon at \$ 35.00.

C. L. Smith one red calf
at \$ 8.00.

John Green one cow
at \$ 15.00.

B. M. Morgan one
horse at \$ 9.50

A. D. Shupe three sheep
at \$1.10 each = \$3.30

Mrs Emily Turner three
sheep at .75 cts each
= \$2.25 cts

A. C. Ely one pair of
Gears paid \$0.70 cts
B. M. Meory one pair of
stretchers paid \$0.25 cts

John Kincaid one plow
 and stock, paid \$10.00
 A. B. Ely one plow and
 stock, paid \$0.05
 Has only ¹⁹ Turner one
 Wagon at \$10.00

(Total Amt \$166.15)
 (C.V.)

1.73	
39.87	
52.63	
1.00	
2.52	
15.00	
10.00	16.61
7.00	13.10
<u>3.00</u>	3.50
132.73	<u>5.00</u>
38.21	38.21
170.94	

Lee Circuit Court

Commissioners Office
Febry 8th 1897.

Emily J. Harker.
versus.

Defts. 3

In Choc.

R. D. Flanagan et al.

Defts 3

To the Hon. W. T. Miller Judge of
the Circuit Court for Lee County.

In obedience to the requirements
of a decree entered in the above styled
Cause on the 10th day of March 1896,
I gave the parties in interest
and their attorneys notice, that
I would, on this the 8th day of
February 1897 at the Law office
of Orr & Blankenship in the
Town of Jonsville Va. proceed
to determine to whom and in
what proportion the fund of
\$17.80 shown in my former report
in this Cause, to be unaccounted
for in the hands of S. H. Ewing
late deputy Sheriff of Lee County
and as such Administrator of
the Estate of Joel A. Turner
deceased.

11.81
6
7086
10
\$7.0860

Respectfully report that this
sum is shown to be unaccounted by the
said S. H. Ewing as such Admr. \$11.81
Dut thereon from Febry 8th 1887 to Febry 8th 1897. 7.08
Total unaccounted for " " \$18.89

Of this sum Emily J. Harber nee
Emily J. Turner widow of Joel A. Turner
is entitled to $\frac{1}{3}$ = $\$6.29\frac{2}{3}$

And the heirs of said Joel
A. Turner is entitled to $\frac{2}{3}$ = $12.59\frac{1}{3}$

Equals amount in hand. $\$18.89$

In this connection it is
proper for me to report, that
Capt E. S. Bishop was the successor
of said S. H. Ewing as Admr. of said
Joel A. Turner, after the death
of said Ewing all his unfinished
business went into the hands of
said Bishop among the rest
two notes were given him on
Emily Turner one for $\$2.25$
the other for $\$11.10$ executed
by said Emily on the 8th day of
Feby 1886 to said S. H. Ewing
Admr of Joel A. Turner and
and due and payable on the
8th day of Feby 1887.

13.35
6
8010
10
 $\$8011.00$

Amount of notes $2.25 + 11.10 = \$13.35$

Interest thereon to Feby 8th 1897 - 8.01

Total due on said notes " " $\$21.36$

These notes were handed me by
Capt. E. S. Bishop at the time of

the stating or taking the account
heretofore by me in this cause
with the statement by him
that the said Emily J. Harber
refused to pay them.

I suppose justice would say
that she is entitled to a credit
on these notes of \$6.27 $\frac{2}{3}$ as of
Feb'y 8th 1897, on account of
the amount due her from
said Amv. I hereto
attach these notes marked
A & B. for the inspection
and disposition of your
Honor. And now having
performed the duties assigned,
your Court's humble prayer
is, that he may hence
be dismissed with his
reasonable costs.

Court fee \$5.00

Respectfully submitted
J. A. St. Hyatt
Clerk

Emily J. Harber
vs Court Reporters
2nd Report
W. D. Shannister

Filed Feb 9 1897
A. B. Munsey clerk

Court fee \$5.00



Lucien Smith after date *one* promise and bind *ourselves*
to pay *S. H. Ewing Adm'r of said Turnout* *Two*
DOLLARS and *Twenty five* Cents for value received, and hereby waive the
benefit of *our* Homestead Exemption as to this debt. Witness *our* hand and seal
this *8th* day of *July* 188*6* *Emily Turner*, [SEAL.]
[SEAL.]

Emily Turner
Nate



to pay S H Ewing Adams & Co Elmore Twelve months after date 2 promise and bind myself

DOLLARS and 10 Cents for value received, and I hereby waive the benefit of my Homestead Exemption as to this debt. Witness my hand and seal

this 8th day of July 1886. Emily Adams, [SEAL.]
J. M. Morgan, [SEAL.]

Turner Notes.

Emily J. Warner
vs. ^{Ex} ~~Ex~~ In Chancery -
R. D. Flannery admors

The object of this suit is to bring about a settlement of the Administrator's account with the estate of Joel Turner deceased, and to collect the sum of \$100. due by bond from Joel Turner dec. to Emily J. Warner, formerly the wife of Joel Turner; which has been lost or mislaid as is alleged by plaintiff in her bill.

The suit matured at 2nd. Sept term 1895 after process had been duly served upon all the defendants and at the Nov. term of the Circuit Court, 1895, none of the defendants appearing to answer, the bill was taken for confessed, (See the order in the case) and cause referred to J. A. G. Hyatt Commissioner to make settlement of account etc, ~~And by your Court etc~~ before said Commissioner Plaintiff offered as proof of her claim against the estate the fact that the bill had been taken for confessed, Calling his attention to the bill and proceedings and affidavit of lost bond or note) as no answer had been filed by any of the defendants, setting up any matter, in the way of plea or otherwise And in addition to that plaintiff proved by witness A. J. Scott that the amount of the debt was just, due and unpaid, that Plff. came in to the possession of said note by taking it as her interest in her Father's estate,

One of the defendants S. E. Turner appeared before the Commission and filed an affidavit attempting to set up statute of limitation, and part payment but offered no evidence to support either, Now let us see if the plaintiff in the first place proved her claim against Joel Turner, I maintain that she did; what is the effect of a bill being taken for confessed, "Where a bill has properly been taken for confessed, there need be no further proof of any matters ~~stated~~ positively and distinctly alleged therein, Nor does the rule so frequently quoted by courts that 'he who alleges fraud must prove it,' constitute an exception to the principle stated, And where the defendant has had a fair opportunity and makes no answer, the rules of the forum, as well as the conclusions of common sense, declare that the allegations of the bill are true, and that he has no defense to make, Confession is proof of the most satisfactory sort, Va. Law Register Nov. Page 346, Price vs. Thosh 30 Gratt, 515-522. Welsh vs. Solenberg, 85 Va. 441-443.

The witness Scott also stated that he had heard the defendant S. E. Turner, say that the claim was just,

As to the plea of statute of limitation, the Off-

states in her affidavit that it was dated some time in the year 1876 - as near as she can remember. The witnesses Seattle state that the note in 1879 amounted to \$130. That would seem to date it in the year 1874, The evidence of Seattle bears out that presumption, Now are we within the statute, I claim that we are, It is proved that she came in to the possession of the claim in 1879, that she was a married woman at the time and remained so till 1885, when her husband died, During that time we contend that the statute was suspended. The married woman's act, of 1877-8 does not give the married woman the right to sue and be sued as a female sole, unless her husband joins with her, And in this case she could not sue her husband without his consent to join with her, See Burke's separate estates Page 72-76, And case there cited, The lapse of time is easily accounted for in this case owing to the relation of the parties, See -

Baker vs. Morris Adm. 18 Leigh P. 284, / Barton
~~statute not properly pleaded~~
Chancery Practice P. 83-93- 322

The contention therefore is that the commission erred and that Plaintiff should be allowed her claim, As it is clearly proven, And is not barred by laches -

M. G. Ely, Jr.

Emily J. Harber
vs. E. E. Peff—
R. D. Flanary admsr et al

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon *R D Flanary administrator de bonis non*
of the estate of Joel Turner deceased, S E Turner, R W Turner
W E Turner, Elvira Turner, Jennina Turner, and Frank
Turner

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said
Court on the *1st* Monday in *September*, 189*5*, to answer a bill in Chancery,
exhibited against *them* in our said court by *Emily J Harber*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

16th day of *July* 189*5*, and in the *120th* year of the

Commonwealth.

A B Munsey Clerk.

R. W. Turner Gemina Turner Frank Turner
P. B. Flanary S. B. Turner

Emily J. Harber

vs.

SUPCENA
IN CHANCERY.

R. D. Flanary admr ^{et al}

M. L. Ely p. q.

To / 5th September 1895
Rules,
Circuit Court.

Accepted by delivering
on office copy of the
within summons to
S. B. Turner W. E. Turner
Elisa Turner R. D.
Flanary This Aug 26th 1895

Wm. R. Weston S. L. C.

further executed by
delivering on office copy
of the within summons to
R. W. Turner Gemina Turner
Frank Turner This 26th day of
August 1895 J. M. Weston S. L. C.
for Wm. R. Weston S. L. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

We Command you, That you summon *J. E. Turner, R. W. Turner*
W. E. Turner, Eliza Turner, Jemima Daniels and
Frank Turner,

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *3rd* Monday in *May*, 189 *7*, to answer *an amended*
bill in Chancery, exhibited against *them* in our said court by
Emily J. Harber

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *20th* day of *April*, 189 *7*, and in the
12 *1st* year of the Commonwealth.

A. B. Munsey Clerk.

Rebecca, C. Turner

Emily J. Harber

SUPREMA.

vs.

IN CHANCERY.

S. C. Turner et al

M. G. Ely p. q.

To 2nd May Rules.

CIRCUIT COURT.

Executed by delivering
an office copy of the
within summons to S. C.
Turner, R. W. Turner, W. C.
Turner, Eliza Turner,
Jemima Daniel, Frank
Turner, this May 4 - 1897.
J. M. Weston S. L. C.
W. P. Weston S. L. C.